To the KINGS Most Excellent MAJESTY,
AND TO THE
Right Honourable the Lords Spiritual and Temporal in Parliament,
THE
PEDIGREE
OF
JAMES PERCY,

Who hath by Infancy, Potency, Priviledges, and foul Practises been kept out of his Birth-right, Title and Inheritance above fifteen years. Now as God hath wonderfully Preserved, Restored and Confirmed our King upon the Royal Throne of his Ancestors (in Peace) therefore a Loyal Subject in right of Succession, Humbly Prays for a fair Hearing, and for speedy Justice.

HENRY PERCY, Fifth Earl of *Northumberland*, Married; and had Issue Three Sons, *viz.*

I.
Henry Percy, First Son, and Sixth Earl, was Married, but died without Issue.

II.
Sir *Thomas Percy*, Second Son, Married into the Family of the *Harbotles*, but Rebelled in King *Henry* the Eighth's Days, and was Executed in his Elder Brothers life-time: He had Issue four Sons, *viz.*

III.
Sir *Ingelram Percy*, Third Son, Married into the *Vauxes* Family, and had Issue Sons and Daughters, as by the Oath of *Henry Champion*, Esq; who kept the Books and Records of the two late Earls.

I.
Thomas Percy, Seventh Earl, was Created by King *Phillip* and Queen *Mary*; He Rebelled in Queen *Elizabeths* days, and was Beheaded at *York*: Married, and had Issue as followeth.

Thomas Percy, who died young: Had this *Tho.* lived, he had been a bar to his Uncle, the Eighth Earl, as his Father, the Seventh Earl, was a Bar to his Uncle Sir *Ingelram Percy*: The Heir Males of this Line are extinct also.
But the Blood of this Line was Corrupted twice.

II.
Henry Percy, Eighth Earl, had Issue eight Sons, as by the great Pedigree doth appear, Sir *Ingelram* was great Uncle to Sir *Rich.*

Henry Percy, Ninth Earl, had Issue four Sons, and three of them was *Henries.*

Algernoon Percy, Tenth Earl, had Issue.

Foscelin Percy, Eleventh Earl, died and left no Heir Male also.

III.
Ingelram Percy had a Bastard Daughter, and no other Issue.

IV.
* *Guichard Percy*, Fourth Son, was found in the Heraulds Books. *Ob. S. p.*

* Guichard, *the Fourth Son, was under the Attainder of his Father Sir* Thomas Percy: *Doubtless had he had Children, or himself had been living, his name would have been in the new Patent and Grant by King* Philip *and Queen* Mary.
☞ *The mistake in Claiming under Sir* Richard Percy, *Fifth Son of the Eighth Earl of* Northumberland, *was because Sir* Ingelram's *name was left out of the first Pedigree, blotted out of the Haraulds Books, and the Matches of the Family of the* Percies *rent out also.*

Both these two Lines are under the new Creation.

I.
Henry Percy, Esq; was Married and had Issue three Sons, the two Elder died without Issue Male.

Henry Percy, third Son, Married and had three Sons, two of them was *Henries*, both the *Henries* died young.

James Percy, Second Son, Married, and hath Three Sons.

Anthony, *Henry* and *John.*

This Line, from *Henry* Fifth Earl of *Northumberland*, hath no Corrupted Blood: Moreover, this Line being found innocent, Claims under the Original Grant by King *Richard* the Second.

II.
Robert Percy had Issue.

Thomas Percy in the Gunpowder-Plot.

Francis Percy.

Francis Percy.

But this Line the Blood's Corrupted.

III.
Two Daughters, *Ann* had no Issue, but *Eleanor* had Issue *Mary.*

This following Pedigree hath been proved at several Tryals, and is Clear from Attainders, as appears by the above Pedigree; but the Law doth refuse the Confirming of Pedigrees, by reason it is the proper Work of the Earl Marshal, who doth not refuse, but desires the Parliaments Assistance.

The true Pedigree of JAMES PERCY, *Right Heir Male, Descended in a Collateral Line from* HENRY PERCY, *Fifth Earl of* Northumberland, *as followeth,*

HENRY PERCY, Fifth [illegible] of *Northumberland*, had Issue.

This *Thomas Percy* was new Created by Queen *Mary*, to him and the Heir Male of his Body, and the remainder to his Brother *Henry.*

Thomas Percy, First Son, seventh Earl, was Attainted and Executed at *York* in Queen *Elizabeths* days, and had Issue.

Thomas Percy died young, Heir Males of this Line Extinct.

Henry Lord *Percy*, Second Son died in *France.*

I.
Henry Percy, Sixth Earl, had no Issue, Heir Males Extinct of this Line.

II.
Sir *Thomas Percy*, Second Son, was Attainted, and Executed in his Brothers life-time, about the first Difference in Religion temp. King *Henry* the Eighth, and had Issue.

Henry Percy, Second Son, eighth Earl, shot himself in the Tower, and had Issue eight Sons, as by the Great Pedigree.

Henry Percy, Ninth Earl, was fifteen years in the Tower, and had Issue.

Algernoon Percy, First Son, Tenth Earl, had Issue.

Foscelin Percy, Eleventh Earl, Born 1644. and died beyond the Seas in 1670. Heir Males of this Line Extinct also.

III.
Sir *Ingelram Percy*, Third Son, Married, and had Sons and Daughters.

Two Daughters, *Ann* had no Issue, but *Eleanor* had Issue *Mary.*

Robert Percy, Second Son had Issue.

Thomas Attainted.

These four Children were sent in Hampers or Panniers, out of the North into the South, as followeth,

Henry Percy, Esq; of *Pavenham* in *Bedfordshire*, he Married the Daughter of *Tibbot* and had Issue.

I.
James Percy, First Son, left no Issue Male.

II.
William Percy, Second Son, died young.

III.
Henry Percy, Third Son, Married *Lydia Cope* of *Horton* in *Northamptonshire* and had Issue.

Henry Percy and *Elizabeth* died young, both being elder than the Claimant; there can be no Bastardship in the Case.

James Percy, Born at *Horton* in *Northamptonshire*, and hath Issue three Sons, *viz.* *Anthony*, *Henry* and *John*, *Anthony* is Married, and hath Issue *Henry.*

So that *Henry*, Fifth Earl, was Great Great Grandfather.
Sir *Thomas Percy*, Second Son, Great Grandfather.
Sir *Henry Percy*, Eighth Earl, Grandfather.
Henry Percy, Ninth Earl, Father of *Algernoon Percy*, Tenth Earl, who had *Foscelin Percy* Eleventh Earl, who died and left no Issue Male: Heir Males is spent of this Line.

Therefore by this Pedigree the Contemporizing of the Family is made manifest.

So that also *Henry*, Fifth Earl, is Great Great Grandfather.
Sir *Ingelram Percy*, Third Son, is Great Grandfather.
Henry Percy, Esq; of *Pavenham*, is Grandfather.
Henry Percy, Gent. of *Horton*, is Father of *James Percy* the Claimant, who hath *Anthony Percy*, next Heir Male after the Claymant *James Percy.*

The short Pedigree, in the Printed Case explains the whole matter more at large

The Petitions and Orders are in Print on the Back-side of this Pedigree.

UMI

TO THE RIGHT HONOURABLE,

The Lords Spiritual and Temporal in Parliament Assembled,

The Duke and Dutchesses of Somerset, *and* Percy, *proved at Law to be Earl of* Northumberland, *their Petitions and Orders referred to the Right Honourable Lords Committees for Priviledges.*

The humble Petition of Charles, *Duke of* Somerset, *and* Elizabeth, *Dutchess of* Somerset, *his Wife.*

Sheweth,

THAT the said Dutchess of *Somerset* being the Daughter and Heir of *Joscelin*, late Earl of *Northumberland*, and Heir-general of the Family of the *Percies*, and Entituled to several Honors, Mannors and Lands descended to her from the said Earl her Father; A mean person, whose true Name not certainly known, calling himself *James Percy*, and by Profession a *Trunk-maker*, falsly assuming to be descended from Sir *Richard Percy*, the Fifth Brother of *Henry* the Eighth, Earl of *Northumberland*, and thereby to be Entituled to that Earldom, and to the said Mannors and Lands, had the confidence to Petition your Lordships, that he might make out his Claim and Right to that Earldom, and several Baronies, as devolved upon him by the death of the said Earl *Joscelin*, without Issue Male: which Petition coming to be heard, and it Evidently appearing to your Lordships, that the said Sir *Richard Percy* was never married, and if he had been married, to make out the said *Trunk-maker's* Pedigree as he would have it, the said Sir *Richard Percy* must have been a Grand-father at Thirteen Years of Age.

Your Lordships were pleased by your Orders of the 20th of *February* 1672. and the 28th of *March* 1673. to dismiss his Petition, and thereupon, on the Petition of *Elizabeth*, Countess of *Northumberland*, then Guardian to the Petitioner, the said Dutchess, to Resolve and Vote, That the further Consideration of the said *James Percy*, concerning the Imposture, should be taken into Consideration on the next morrow morning, which was not done, the Parliament hapning that day to be Prorogued. Since which time the said *James Percy*, disregarding your Lordships Judgment, hath in the Courts of *Westminster Hall* ever since been carrying on his false Pretences; And, tho' he hath there had one Verdict at Bar and three Nonsuits, upon full Evidence, yet still persists, and hath now lately brought Ejectments at Law, and a Bill in Equity, against your Petitioners and their Tenants, and, with unparalell'd boldness, takes upon him to be Earl of *Northumberland*, to the great Dishonour of the Peerage of this Realm, and of your Petitioners, to their continual Charge and endless Vexation.

In Consideration whereof, your Petitioners humbly pray your Lordships, for the Dignity of your own Peerages, as well as for your Petitioners Honors, in prosecution of your former Vote made, concerning this Imposture, to take the Matter into your serious Consideration, and to do therein as you in your great Wisdoms shall think just and reasonable.

And your Petitioners, &c.

Die Lunæ, 1° *Junii*, 1685.

Upon reading the Petition of Charles *Duke of* Somerset, *and* Elizabeth *his Wife, shewing, That one* James Percy, *falsly assuming to himself the Title of Earl of* Northumberland, *and other things in the said Petition set forth, and praying, That this House would take the former Matters and Proceedings of this House, upon the same Case into their Considerations. It is ordred by the Lords Spiritual and Temporal in Parliament assembled, That the Consideration of this Petition, and the Proceedings formerly had in this Case, be and is hereby referred to the Consideration of the Lords Committees for Priviledges, whose Lordships are to consider thereof, and of what they shall think fit to be done thereupon, and make Report to this House.*

An Answer *to the Matters alledged in this Petition.*

First. THat *James Percy* is a mean Person, and his true Name not certainly known, and by Profession a *Trunk-maker*, and falsly assuming to be descended from Sir *Richard Percy*, who was never married, or if he had, must have been a Grand-father at Thirteen Years of Age.

For Answer,

1st. FOr *Answer to this. As to the claiming under Sir* Richard Percy, *read the Printed Case,* fol. 3. *where the occasion of claiming under him is fully and truly set forth, and in* fol. 10. *this very Objection is so fully Answered that more cannot be said. Pray read.*

As to that of his true Name not being certainly known, read the same Printed Case, and the solemn Declaration of Judge Hales, *at* fol. 4. *in the Tryal against* Clerk, *and in* fol. 5. *and Judg* Rainsford's *Declaration, in the Tryal against* Wright, *when* James Percy *had a Verdict which is Exemplified.*

And in all other Tryals the Claimant's Pedigree was fully proved, and so admitted by the Adversaries Councel and declared by the Court.

Second. As to the Charge in the Petition, That the Lords in Parliament, upon hearing the Cause, dismiss'd the Claimants Petition.

2. Answer. *This was upon the mistake in claiming under Sir* Richard Percy, *and could not foreclose the Petitioners claim by that dismission, for if it had, it might have been Pleaded in Bar by* Wright, *where the Claimant, as before is said, at a Tryal at the Kings-Bench-Bar, proved his Pedigree, and had a Verdict and Damages in affirmance thereof.*

Thirdly, As touching the charge in the Petition, that the Lords in *Parliament* were pleased, in *March* 1673. on the Petition of *Elizabeth* Countess of *Northumberland*, then Guardian to the now Dutchess of *Somerset*, to Resolve and Vote, that the further Consideration of the said *James Percy*, concerning the Imposture, should be taken into Consideration, on the then next morrow, which was not done, the Parliament hapning that morning to be Prorogued.

Answer 3. *There have been many Parliaments since, and yet the Adversaries never thought fit to pray any further proceedings upon that Resolve of the Lords in Parliament. The Reasons for not doing it being very plain. As first, for that they knew the Claymant after that, had fully rectified that mistake in clayming under Sir* Richard, *and had fixt his Claim certain and right, under Sir* Ingelram Percy, *and so proved the same in the Tryal against* Wright, *and had a Verdict thereon as aforesaid.*

Fourthly, As touching the Charge in the Petition, that since the Dismission in the Lords House, the Claymant hath one Verdict and three Nonsuits against him.

Besides, the Adversaries themselves having been under a mistake of a greater and more dangerous nature, when Sir John Hanmore *swore in Parliament, that Sir* Richard Percy *died a Batchelor in* France, *in the Year* 1648. *which was a mistake.*

Answer 4. *And since the said Dismission, the Claymant hath had a Verdict on full Evidence for him, and all the said Nonsuits and Verdict against the Claymant, he fully proved his Pedigree and Claym, and so admitted and declared; but either for want of Copies of Records, or through mistakes the Declaration, through the designed Practices and ill Management of his Agents, suffered those Nonsuits, and not any ways, upon the true merits of his Right or Cause.*

TO THE RIGHT HONOURABLE

The LORDS Spiritual and Temporal in Parliament assembled.

The humble Petition of JAMES PERCY, *who claimeth to be Earl of* Northumberland, *and hath been so proved.*

Humbly sheweth,

IN answer to the Duke and Dutchess of *Somersets* surprising and scandalous Petition, alledging against cleer proof.

He saith, that the said Dutchess hath for above fifteen years sheltred her self under Infancy, Guardians, Agents, and Priviledges of Parliaments, and thereby kept your Petitioner out of his undoubted Right, to the Honours, Mannors and Lands belonging to him as Earl of *Northumberland.*

That the mistake he committed once, in deriving himself under Sir *Richard Percy*, which he confesseth, is no impediment or bar to his Good and Rightful Title, which he hath to the said Earldom, Mannors and Lands from Sir *Ingelram Percy*, under whom he derives himself, and hath at several Tryals at Law proved himself to be Lineally and Lawfully descended. All which, the Petitioner hath set forth in his Printed Case, with the reasons of his Miscarriages, most of them occasioned by the ill usage and designs of some Agents of the said Dutchess, tho' her Grace her self might be innocent therein.

The Humble Request of the Petitioner is, That your Lordships will be pleased to appoint a day for Hearing the Petitioner's Cause, and that he may have an Order to bring in the Heraulds Books, Records, and take out the Depositions of his Witnesses in Chancery, Exchequer and elsewhere; and for all such Witnesses as may be brought in within time of the Order. And your Petitioner, *&c.*

Die Veneris 12 *June* 1685.

IT being moved that a Packet of Papers found upon the Table might be read, superscribed Percy's *Petition of Complaint, and the two Petitions that were wanting are annexed, humbly Prays, that they may be read, and that Justice may be had, and he shall ever Pray: Equal Justice do, or tell the reason why. This superscription was read. It is ordered by the Lords Spiritual and Temporal in Parliament Assembled, that the Packet of Papers aforesaid, be, and are hereby referred to the Committee for Priviledges to open the same, and Report their Opinion, of what is fit to be done thereupon, to this House.*

Cop. vera. Jo. Brown Cleric. Parliament.

My LORDS,

I Beg pardon for any unadvised Expressions on the *Superscriptions* of my Papers, that hath given any distaste to any of your Lordships. My Councel being in the Country, I wanted Advice; my Potent Adversaries surprising Petition, and my own several Petitions and Precedents, which were presented, not finding so much success as to be read, but were lost, my self unexpectedly contrived into a Prison, as by his Petition of Complaint appeareth, and 31 days of the Parliament spent, put me into a passion, which forc'd those unadvised words from me, which I pray may be forgiven me, and humbly revive my Address, that my three Petitions may be read, and the Prayers of them considered by your Lordships. *And your Petitioner shall ever pray*, &c.

Psal. 82. were the words of a King, who had been a shepherd.

19 *June*, 1685. *JAMES PERCY.*

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